



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: M.A. Cabrera and Company, P.A.

File: B-233356

Date: December 2, 1988

### DIGEST

Protest filed by Member of Congress on behalf of constituent is dismissed as untimely where not filed with our Office within 10 working days after protester became aware of its basis for protest.

### DECISION

M.A. Cabrera and Company, P.A., protests the Federal Home Loan Bank Board's award of a contract for financial audit and tax services to Coopers & Lybrand under request for proposals (RFP) No. C88061. Cabrera complains that by awarding the entire contract to one firm rather than making multiple awards, the FHLBB has discriminated against small businesses.

The Board requests that we dismiss the protest without consideration on the merits for several reasons, primarily because the protest was filed on behalf of Cabrera by a Member of Congress who is not an interested party for purposes of filing a protest and because the protest is untimely. With regard to the agency's first argument, we will consider a protest filed by a Member of Congress on behalf of a constituent so long as our procedural requirements regarding matters such as timeliness are met. See Kinross Manufacturing Corp., 65 Comp. Gen. 160 (1985), 85-2 CPD ¶ 716. Here, however, as the agency argues, our timeliness requirements were not met, and we therefore dismiss the protest.

Our Bid Protest Regulations require that a protest be filed within 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1988).

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It is unclear from the record in this case precisely when Cabrera first learned of the award to Coopers & Lybrand, but it is apparent that it was on or before September 28, 1988, the date on which the protester wrote its letter of complaint to the Member of Congress. To be timely then, Cabrera's protest would have had to be filed in our Office no later than 10 working days after September 28. It was not received in our Office until October 19, however, and is therefore untimely.

The protest is dismissed.

  
For

Ronald Berger  
Associate General Counsel